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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,816	01/13/2004	Stephen W. Johnson	S93.12-0001	2375

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Todd R. Fronek  
Westman, Champlin & Kelly  
Suite 1600  
900 Second Avenue  
Minneapolis, MN 55402-3319

EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/756,816	JOHNSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12272004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restriction*

Newly submitted claims 19-21 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The method of securing limbs of a person is distinct and independent from the article claims 1-18 because the article as claimed can be used in another method such as a method of securing a bundle of electric cables together by extending the winding the strap around the bundle and securing the strap tightly in the buckle

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-21 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367).

Golds et al. (figure 11) teaches a self-locking strap assembly comprising a buckle 84 having a cavity and a passageway 86; a strap 12a secured to the buckle at a first position and adapted to be inserted to the passageway at a second position; and a retainer 88 disposed in the cavity and including a first barb and a second barb among the pins 92 adapted to engage the strap

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such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. The retainer 88 is pivotally mounted in a cavity and an edge of the cavity limits the pivoting of the retainer in the strap engaged condition. The difference is that the buckle lacks outer concave surfaces. However, McInerney (figures 1, 5) teaches a self-locking strap assembly comprising a buckle 10 having two outer concave surfaces with finger grips 30 and a passageway 11; a strap 15 integrally secured to the buckle 10 and adapted to be inserted into the passageway 11; wherein the concave surfaces and finger grips help in more securely gripping the buckle. As it would be beneficial to more securely grip the buckle of Golds et al., it would have been obvious to modify the buckle of Golds et al. so that the sides have concave surface in view of McInerney teaching that it is desirable to provide such structure to more securely grip the buckle. As to claim 2, the strap of Golds et al. can be made of polypropylene (col. 4, lines 9-10).

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claims 3 and 13 above, and further in view of Christian et al. (US 6003208).

Further modification of the assembly of Golds et al. such that the finger grips of McInerney et al. are ribs would have been obvious in view of Christian et al. (figure 1, 2) teaching that it is desirable to utilize finger grips in the form of ribs 29 so as to more firmly grip the locking head (col. 3, lines 26-28).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claim 1 above, and further in view of Monti (US 3676901).

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While Golds et al. states that as shown in figure 11, the end 12a of the strap may be molded into the frame, other conventional means can be used (col. 7, lines 47-49). Monti (figures 1, 2) teaches that it is conventional to use a loop in the strap to secure an end to the buckle so as to have simpler fabrication. Therefore, it would have been obvious to further modify the assembly of Golds et al. to utilize a loop in the strap end to secure the strap to the buckle.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claim 1 above, and further in view of Berg (US 4233713).

Further modification of the assembly of Golds et al. such that the strap has the threaded end heat staked would have been obvious in view of Berg (figure 5) teaching melting together and sealing the ends of the threads of the strap material with a match stick or open flame so as to form a structure quickly without dependence on sewing or riveting and rapidly obtaining an end easily threadable into a buckle passageway (col. 4, lines 24-34).

Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claim 1 above, and further in view of Miller (US 1100389).

Further modification of the strap apparatus of Golds et al. such that it has a separator would have been obvious in view of Miller (figures 1-3) who suggests the use of a separator 6 (figure 3) to hold the free end of the strap to the underlying strap for this purpose.

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Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of McInerney et al. (US 5911367) as applied to claim 1 above, and further in view of Dahlgren (US 1666528).

Further modification of the assembly of Golds et al. such that the retainer includes a serrated blade would have been obvious in view of Dahlgren (figures 1-3, 8) teaching that it is desirable to utilize either two barbs 19 (figure 3) on a retainer or a serrated blade 42 (figure 8) on a retainer interchangeably depending upon the strength required in the application.

Claims 11, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golds et al. (US 5356412) in view of Miller (US 1100389).

Golds et al. (figure 11) teaches a self-locking strap assembly comprising a buckle 84 having a cavity and a passageway 86; a strap 12a secured to the buckle at a first position and adapted to be inserted to the passageway at a second position; and a retainer 88 disposed in the cavity and including a first barb and a second barb among the pins 92 adapted to engage the strap such that movement in one direction of the strap in the passageway relative to the buckle is inhibited. The difference is that it lacks a separator. It would have been obvious to modify the assembly of Golds et al. by utilizing a separator to maintain the overlapped straps together in the secured condition and lessen the chance of the straps separating in view of Miller (figures 1-3) who suggests the use of a separator 6 (figure 3) to hold the free end of the strap to the underlying strap for this purpose. As to claim 12, the strap can be made of polypropylene (col. 4, lines 9-10). In regard to claim 18, the retainer 88 is pivotally mounted.

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Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of Miller (US 1100389) as applied to claim 11 above, and further in view of McInerney et al (US 5911367).

Further modification of the self-locking strap assembly of Golds et al. such that the buckle has concave surfaces would have been obvious in view of McInerney (figures 1, 5) teaching a self-locking strap assembly comprising a buckle 10 having two outer concave surfaces with finger grips 30 and a passageway 11; a strap 15 integrally secured to the buckle 10 and adapted to be inserted into the passageway 11; wherein the concave surfaces and finger grips help in more securely gripping the buckle.

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of Miller (US 1100389) and McInerney et al (US 5911367) as applied to claim 13 above, and further in view of Christian et al. (US 6003208).

Further modification of the assembly of Golds et al. such that the finger grips of McInerney et al. are ribbed would have been obvious in view of Christian et al. (figure 1, 2) teaching that it is desirable to utilize finger grips in the form of ribs 29 so as to more firmly grip the locking head (col. 3, lines 26-28).

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of Miller (US 1100389) as applied to claim 11 above, and further in view of Monti (US 3676901).

While Golds et al. states that as shown in figure 11, the end 12a of the strap may be molded into the frame, other conventional means can be used (col. 7, lines 47-49). Monti (figures 1, 2) teaches that it is conventional to use a loop in the strap to secure an end to the

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buckle so as to have simpler fabrication. Therefore, it would have been obvious to further modify the assembly of Golds et al. to utilize a loop in the strap end to secure the strap to the buckle.

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Golds et al. (US 5356412) in view of Miller (US 1100389) as applied to claim 11 above, and further in view of Berg (US 4233713).

Further modification of the assembly of Golds et al. such that the strap has the threaded end heat staked would have been obvious in view of Berg (figure 5) teaching melting together and sealing the ends of the threads of the strap material with a match stick or open flame so as to form a structure quickly without dependence on sewing or riveting and rapidly obtaining an end easily threadable into a buckle passageway (col. 4, lines 24-34).

### ***Response to Arguments***

Applicant's arguments filed in response to the last office action have been fully considered but they are not persuasive.

Applicant argues that because the Golds reference is utilized in the medical arts that there is no motivation to combine it with structure such as the jewelry device of Miller. While the device of Golds is utilized in a surgical environment to bind, it can obviously be used in other environments to bind objects, too. It doesn't just materialize in surgical areas, but is a device used as a cinch and one having ordinary skill in this art would realize that it has other utilities and thereby lead one to try to better control the straps in a manner taught by Miller.

### ***Conclusion***



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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

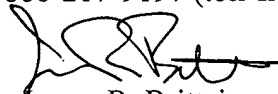
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB